

1 minutes and go off the record.

2 (A recess was held at 11:46 a.m., and
3 proceedings resumed at 12:03 p.m.)

4 (Thorne Exhibit No. 3 was marked for
5 identification.)

6 MR. DUHAMEL: Let's go back on the
7 record.

8 Q. (BY MR. DUHAMEL) Doctor, the court
9 reporter has handed you what's been marked Exhibit 3.
10 I have a couple of questions about it. First of all,
11 have you ever seen a copy of this letter before
12 today?

13 A. No.

14 Q. Do you know who Amy Leonard is?

15 A. Yes.

16 Q. Have you spoken to Ms. Leonard in the past?

17 A. Yes.

18 Q. If you look at the fourth sentence of the
19 letter, it states, and I'll read it, "Also, please
20 note that in addition to the enclosed materials, we
21 did provide Peter Thorne with the names of the
22 individual chemicals which he discusses in his
23 report." Do you see that sentence?

24 A. Yes.

25 Q. As far as you know, is it accurate?

1 A. I can't be certain it's completely -- that
2 it's completely accurate in that the word "the names"
3 or the words "the names," it could potentially be
4 "some of the names." And as I referred earlier, I
5 can't be sure that -- I'm not certain, as I sit here,
6 that the compounds I opined over in my report were
7 all on a list provided to me by Mr. Altman's firm,
8 because as I stated previously, I did look at these
9 other correspondences, and those certainly list
10 compounds that were in the waste streams and that
11 were supplied or used at Carlisle. And so the
12 compounds that I provided information on were drawn
13 from the multiple sources that I previously
14 suggested. I would guess that they're also provided
15 on the EPA Web site that is referenced in the next
16 sentence of this letter from Amy Leonard.

17 **Q. That what is provided on that Web site, the**
18 **chemicals that were used at Carlisle's facility?**

19 A. No, no. That information --

20 MR. ALTMAN: Objection, argumentative.

21 A. Information about the chemicals is on that
22 Web site, not specifically which chemicals are used
23 at the Carlisle facility. I'm sorry if I
24 misformulated that.

25 **Q. I don't know that you did. I may have**

1 simply misunderstood.

2 Okay. To the extent to which any of the
3 substances you considered were substances that you
4 looked at because Mr. Altman's law firm provided
5 their names to you and not because you saw them in
6 any of the other documentation to which you've
7 referred, do you know where Mr. Altman's law firm got
8 those substances to provide to you, the list of those
9 substances to provide to you?

10 MR. ALTMAN: Objection. I don't think
11 that's been his testimony at all.

12 A. I would say that I would have to surmise as
13 to what sources they might use, but I have no real
14 knowledge of the extent of the information they had
15 before them, so I guess the best answer is, I really
16 don't know.

17 Q. Okay. At the time you prepared your
18 report, had you seen or relied on groundwater
19 sampling data around the Carlisle Engineered Products
20 facility?

21 A. (Pause.)

22 I was aware that there was concern with
23 regard to groundwater at the property in the vicinity
24 of the property, so I knew that that was an issue of
25 concern in the case at that time.

1 Q. What I meant to ask, if I wasn't clear,
2 was, did you see or rely on groundwater sampling data
3 at the time you had prepared your report?

4 A. No. I had not seen groundwater sampling
5 data at the time of my report.

6 Q. At the time you prepared your report, did
7 you know in what concentrations any of the substances
8 that you were addressing in your report were present
9 in groundwater around the Carlisle Engineered
10 Products facility?

11 A. I don't believe I did.

12 Q. Doctor, in preparing for the deposition
13 today, did you look at or review any documents?

14 A. Yes.

15 Q. What documents did you review?

16 A. I reviewed my report, and I reviewed my
17 Curriculum Vitae to determine that it was -- to see
18 what -- where it was at the time of the report in
19 terms of which publications had come out and which
20 had not. I reviewed very briefly the report of Bruce
21 Bell and the report of Julie Wetherington-Rice, and
22 then I also reviewed some recent information I had
23 considered with regard to vinyl chloride and its
24 toxicity, its carcinogenicity, autoimmune toxicity
25 and the fact that it is a degradation product of some

1 of the compounds described in my report. I also
2 looked up the MCL for vinyl chloride. And with
3 regard to TCE, I looked at information on the half
4 life of TCE in groundwater to determine what is the
5 range of half lifes that we know about for aerobic,
6 anaerobic groundwater, and I think that that's the
7 extent of it.

8 **Q. You said you had done some recent work on**
9 **vinyl chloride?**

10 A. Yes. Well, recent, yeah, consideration of
11 it in the literature, if that's what you mean by
12 "work."

13 **Q. When did you -- yes. When did you**
14 **undertake that?**

15 A. Yesterday and possibly a little the day
16 before.

17 **Q. You also looked at some materials**
18 **concerning the half life of TCE in groundwater; is**
19 **that correct?**

20 A. Yes.

21 **Q. And when did you look at those materials?**

22 A. Yesterday.

23 **Q. When did you first get a copy of**
24 **Dr. Richard Lewis' report?**

25 A. I'm not certain of the date, but I think it

1 would be -- my best guess is that it was about the
2 beginning of this year, maybe January or February.
3 I'm not certain on that.

4 **Q. Were you asked to do anything with it?**

5 A. I was asked to read it and consider his
6 statements in the report, and then I discussed that
7 with Mr. Altman.

8 **Q. Did Mr. Altman ask you to prepare any sort**
9 **of rebuttal report?**

10 A. No, he did not.

11 MR. ALTMAN: Marcel, I'm going to
12 object to the extent that -- if we're continuing to
13 say that Dr. Thorne is an expert with respect to this
14 as opposed to a consultant, I don't have a problem,
15 but I'm warning -- I'm warning you that you are
16 opening up the door to this testimony coming in.

17 MR. DUHAMEL: All I wanted to know was
18 whether he had been asked to prepare a rebuttal
19 report.

20 **Q. (BY MR. DUHAMEL) And I understand the**
21 **answer is "no"; is that correct?**

22 A. The answer is no.

23 MR. ALTMAN: Same objection.

24 **Q. I'm sorry. I can't hear the answer.**

25 A. The answer is no.

1 MR. DUHAMEL: Thank you. I have
2 nothing further, subject to my right to redirect if
3 Mr. Altman asks any questions.

4 EXAMINATION

5 BY MR. ALTMAN:

6 Q. Yes. Dr. Thorne.

7 A. Yes.

8 Q. Dr. Thorne, this is Dave Altman.

9 As you sit there today in Iowa, do you know
10 of any compound in your report that is solely there
11 at the suggestion of my office?

12 A. No.

13 Q. And this last question is one merely of
14 clarification. The Cox, Colvin material, the summary
15 of the area investigation that you mentioned, what
16 did that generally consist of?

17 A. It generally consisted of findings from a
18 soil gas investigation to look at compounds in the
19 soil and water on the premises of the facility, and
20 that showed -- it demarcated plumes or concentration
21 profiles of the assessed compounds, indicating where
22 there were positive findings or what you might call
23 hot spots. And some of these were within the
24 facility, underneath the -- within the building
25 itself or on the properties. Some of them were at

1 the edge of the property and were, if you will,
2 semicircles, showing partially the extent of the
3 plume on the facility grounds, but then just going to
4 the edge of the property itself.

5 And then there was some language about the
6 quality control and the methodology and so forth.
7 And some of the -- some of the sites -- some of the
8 test sites showed levels for compounds below limits
9 of detection. Others showed limits in the hundreds
10 of parts -- hundreds of thousands of parts per
11 billion by volume, as I recall.

12 MR. ALTMAN: Thank you. I don't have
13 any further questions at this time.

14 MR. DUHAMEL: Neither do I.

15 Dr. Thorne, thank you very much for
16 your cooperation today. I appreciate your bearing
17 with us as we made arrangements for this video
18 deposition. This sort of thing is not always the
19 most convenient to put together, but it was better
20 than Mr. Altman and I having to travel out, so I
21 appreciate your willingness to do it this way. Thank
22 you, Doctor. I have nothing further.

23 THE WITNESS: I appreciate your
24 patience with this method as well. Thank you.

25 MR. ALTMAN: Thank you very much.

1 (The deposition was concluded at
2 12:19 p.m., June 6, 2006.)

3 *****

4 MR. DUHAMEL: I am ordering. I would
5 like, in addition to a hard copy, electronic
6 transmission.

7 MR. ALTMAN: And if you could call my
8 office, I've got somebody over there that knows what
9 we order. We do want a hard copy and electronic, I
10 can tell you that.

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1 CERTIFICATE OF COURT REPORTER

2 I, Tammy Jones, a Certified Shorthand Reporter
3 in and for the States of Iowa and Illinois, do hereby
4 certify that the facts as stated in the caption
5 hereto are true; that the witness named on the face
6 sheet was by me sworn to testify to the truth and
7 nothing but the truth concerning the matters in
8 controversy in this cause; that said witness was
9 thereupon examined on oath and the examination
10 reduced to writing under my supervision, consisting
11 of the foregoing pages; and the computer-aided
12 transcript is a true record of the testimony given by
13 said witness and all objections made.

14 I further certify that I am neither attorney
15 or counsel for, nor related to or employed by, any of
16 the parties to the action in which this deposition is
17 taken; and, further, that I am not a relative or
18 employee of any attorney or counsel employed by the
19 parties hereto or financially interested in the
20 action.

21 I further certify that charges for the
22 preparation of the foregoing completed deposition,
23 original thereof, were charged to the attorneys for
24 the Defendants.

25 In witness whereof I have hereunto set
my hand this 16th day of June, 2006.

20

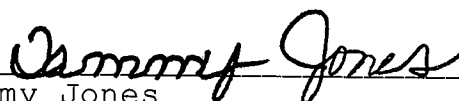
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